

**REMARKS**

Claims 1, 3-34, and 36-68 are pending in the application. Claims 1, 3-34, and 36-68 stand rejected. Claims 1, 3-34, and 36-68 are being amended. No new matter is believed to be introduced by way of the amendments.

Claims 1, 3-34, and 36-68 are being amended for language clarification-related reasons. No new matter is believed to be introduced by way of the amendments.

**Rejections Under 35 U.S.C. §112, Second Paragraph**

Claims 3, 6, 7-8 9-17, 21-25, 27-28, and 67 were rejected under 35 U.S.C. §112, second paragraph as being indefinite. Corrections to 3, 6-7, 9-11, 13, 15, 21-25, 27, and 67 have been made in the Claim Listing above. Claims 12, 14, 17, and 28 depend from now amended claims 11, 13, and 27. Accordingly, claims 3, 6, 7-8, 9-17, 21-25, 27-28, and 67 are believed to have overcome the rejection under 35 U.S.C. §112, second paragraph. Therefore, Applicants respectfully request withdrawal of the rejections.

**Rejections Under 35 U.S.C. §102(e)**

Claims 1, 3, 13-15, 16-18, 20-21, 25-28, 34, 36, 46-48, 49-51, 53-54, and 58-61 were rejected under 35 U.S.C. §102(e) as being unpatentable over Yue *et al.* (U.S. Patent Number 6,026,356), hereinafter referenced as “Yue.”

Claim 1 recites:

An apparatus for managing noise characteristics in a communication system for transmitting digital signals using a compression code, the compression code including a predetermined plurality of parameters including a first parameter, the apparatus:

a reading unit responsive to the compression code of the digital signals to read at least the first parameter;

a generation unit responsive to the compression code and the first parameter **to generate an adjusted first parameter in a presence of speech, noise, and combination thereof;**

a replacement unit to replace the first parameter with the adjusted first parameter; and

a transmitter to transmit the digital signal with a managed noise characteristic.

In contrast, Yue classifies successive data frames into frames containing speech sounds and non-speech sounds and only performs noise reduction in **response to detection of non-speech sounds**. As Yue describes in column 5, lines 45-49, if speech is detected in a data frame, that data frame is passed to the output line without modification. If the data frame is classified as containing non-speech sounds (e.g., background noise), that data frame is passed to the signal processing device 100.

Thus, Applicants' invention as claimed in Claim 1 distinguishes over Yue in that it generates "an adjusted first parameter in a presence of speech, noise, and combination thereof." Yue neither discloses performing an adjustment in "a presence of speech, noise, and combination thereof," nor does Yue's system contain the means to perform an adjustment in "a presence of speech, noise, and combination thereof," as required by Applicants' Claim 1.

Accordingly, because Yue lacks a requisite element of claim 1, namely "a generation unit to generate an adjusted first parameter in a presence of speech, noise, and combination thereof," Applicant respectfully submits that Yue does not teach Applicants' claim 1 and request that the rejections under 35 U.S.C. §102(e) be withdrawn.

Independent Claims 34 and 62 include similar elements as Claim 1 and should be allowed for similar reasons.

Because Claims 3, 13-15, 16-18, 20-21, 25-28, 36, 46-48, 49-51, 53-54, and 58-61 depend from independent claims 1 and 34, Applicants respectfully submit that these claims should be allowed for at least the same reasons as the base claims from which they depend.

### **Rejections Under 35 U.S.C. §103(a)**

Claims 4-5, 22-24, 37-38, and 55-57 were rejected under 35 U.S.C. §103(a) as being unpatentable over Yue in view of Swaminathan *et al.* (U.S. Patent Number 5,495,555), hereinafter referenced as "Swaminathan."

Claims 6, 9, 39, and 42 were rejected under 35 U.S.C. §103(a) as being unpatentable over Yue in view of Oshikiri *et al.* (U.S. Patent Number 5,878,387), hereinafter referenced as "Oshikiri."

Claims 7-8 and 40-41 were rejected under 35 U.S.C. §103(a) as being unpatentable over Yue in view of Ertem *et al.* (U.S. Patent Number 6,453,289), hereinafter referenced as "Ertem."

Claims 7-8 and 40-41 were rejected under 35 U.S.C. §103(a) as being unpatentable over Yue in view of Chen *et al.* (U.S. Patent Number 5,615,289), hereinafter referenced as “Chen.”

Claims 26, 28-31, and 57-61 were rejected under 35 U.S.C. §103(a) as being unpatentable over Yue in view of Applicants’ Admitted Prior Art, hereinafter referenced as “AAPA.”

Claims 67-68 were rejected under 35 U.S.C. §103(a) as being unpatentable over Yue in view of Malvar *et al.* (U.S. Patent Number 6,029,126), hereinafter referenced as “Malvar.”

These rejected claims are dependent from Claims 1, 34, or 62. As explained in the previous section, Yue does not teach all of the elements recited in Claims 1 and 34, namely, “a generation unit to generate an adjusted first parameter in a presence of speech, noise, and combination thereof.”

These limitations of Yue are not cured by Swaminathan, Oshikiri, Ertem, Chen, AAPA, or Malvar. Therefore, without discussing the merits of the reasons behind the rejection of these claims, namely claims 4-5, 22-24, 37-38, and 55-57; claims 6, 9, 39, and 42; and claims 7-8 and 40-41, it is Applicants’ position that these claims are allowable over Yue in view of Swaminathan, Oshikiri, Ertem, Chen, AAPA, or Malvar. Accordingly, Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of these claims be withdrawn.

#### **Information Disclosure Statement**

An Information Disclosure Statement (IDS being filed concurrently herewith. Entry of the IDS is respectfully requested.

**CONCLUSION**

In view of the above amendments and remarks, it is believed that all currently pending claims, claims 1, 3-34, and 36-68, are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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